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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,287	02/23/2004	Mark E. Thompson	10020/26502	2083

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EXAMINER
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YAMNITZKY, MARIE ROSE

ART UNIT	PAPER NUMBER
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1774

MAIL DATE	DELIVERY MODE
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07/10/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/785,287

Applicant(s)

THOMPSON ET AL.

Examiner

Marie R. Yamnitzky

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-50 and 53 is/are pending in the application.
- 4a) Of the above claim(s) 1-50 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1. This Office action is in response to applicant's amendment received April 09, 2007, which cancels claims 51 and 52, and amends claim 53.

This Office action is also in response to the Rule 132 Declaration of Raymond C. Kwong received April 09, 2007.

Claims 1-50 and 53 are pending.

2. Claims 1-50 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on September 26, 2006.

3. Applicant's amendment renders moot all rejections of claims 51 and 52 as set forth in the Office action mailed December 06, 2006.

Applicant's amendment overcomes the rejection of claim 53 under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, and the rejection of claim 53 under 35 U.S.C. 102(b) based on Boden et al. (*Liquid Crystals* 28(1), pp. 139-144) or Wegewijs et al. (*Physical Review B*, Vol. 65).

4. The examiner has reconsidered the rejection of claim 53 under 35 U.S.C. 103(a) as unpatentable over Ishiskawa et al. (US 2002/0064679 A1) or Jarikov (US 2004/0076853 A1) and hereby withdraws the rejection. In the response filed April 09, 2007, applicant presents several pages of arguments with respect to this rejection, and the Rule 132 Declaration of Raymond C. Kwong is also directed to the rejection of claim 53 based on either of these two

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references. Many of applicant's arguments and statements made in the Rule 132 Declaration are not persuasive. For example, statements/arguments regarding Jarikov's requirement for a flat structure are not persuasive because Jarikov's compounds need not be entirely flat, only a portion of the compound (such as the triphenylene core) need be flat. Contrary to applicant's arguments, Jarikov does disclose host compounds having a fused aromatic ring structure as the core with phenyl substituents on the core (e.g. see paragraph [1230]; rubrene is 5,6,11,12-tetraphenylnaphthacene). As another example, statements/arguments made regarding the performance of an OLED having the compound of claim 53 in place of Balq are not persuasive as claim 53 is drawn solely to a compound, and the prior art does not teach the prior art triphenylene compounds for the same use as Balq. However, the examiner has reconsidered based on the breadth of triphenylene compounds disclosed by each of the two prior art references, given the lack of teachings in either of the references that would lead to substituted triphenylene compounds having six unsubstituted phenyl rings in the substitution pattern shown for the compound of claim 53, and given the specific examples of triphenylene compounds provided in the references, all of which lead away from the compound of claim 53.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claim 53 is rejected under 35 U.S.C. 102(b) as being anticipated by JP 11-92420.

See page 5 of the document. Prior art compound TP-1, wherein each of R<sub>21</sub>-R<sub>26</sub> in the formula at the top of page 5 is hydrogen, is the compound of present claim 53.

7. Any inquiry concerning this communication should be directed to Marie R. Yamnitzky at telephone number (571) 272-1531. The examiner works a flexible schedule but can generally be reached at this number from 7:00 a.m. to 3:30 p.m. Monday-Friday.

The current fax number for all official faxes is (571) 273-8300. (Unofficial faxes to be sent directly to examiner Yamnitzky can be sent to (571) 273-1531.)

MRY  
July 05, 2007



MARIE YAMNITZKY  
PRIMARY EXAMINER

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